



IFW

Patent  
Attorney's Docket No. 704785-2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Robert JORDAN et al.	)	Group Art Unit: Unassigned
	)	
Application No.: 10/561,153	)	Examiner: Unassigned
	)	
Filed: December 16, 2005	)	Confirmation No.: Unassigned
	)	
For: COMPOUNDS, COMPOSITIONS, AND	)	
METHODS FOR TREATMENT AND	)	
PREVENTION OF ORTHOPOXVIRUS	)	
INFECTIONS AND ASSOCIATED	)	
DISEASES	)	

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee (\$180) should be charged to the undersigned's Deposit Account No. 50-2518.

**II. Copies of the Cited Items:**

- ☐ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of items listed on the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon in this application for an earlier filing date under 35 U.S.C § 120.  
*See 37 C.F.R. § 1.98(d).*
- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.
- ☒ Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. Patents and U.S. Patent Application Publications are not enclosed since it is no longer required.

**III. Conclusion:**

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,  
BINGHAM MCCUTCHEN, L.L.P.

Date: March 27, 2006

By: Malcolm K. McGowan  
Malcolm K. McGowan  
Registration No. 39,300

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, California 94111-4067  
Local Telephone: (202) 778-6150  
Local Facsimile: (202) 778-6155



Substitute for form 1449A/PTO &amp; 1449B/PTO

**SECOND  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/561,153
Filing Date	December 16, 2005
First Named Inventor	Robert JORDAN et al.
Examiner Name	Unassigned
Attorney Docket Number	704785-2001

**U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
K.B.	6,433,016		Georgiev	08-13-2002
K.B.	2002/0193443	A1	Georgiev	12-19-2002

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
K.B.	Henderson et al., "Smallpox as a Biological Weapon," JAMA 281:2127-2137 American Medical Association, (1999)
	Downie et al., "THE ANTIBODY RESPONSE IN MAN FOLLOWING INFECTION WITH VIRUSES OF THE POX GROUP," J. Hyg. 56:479-487 (1958)
	Moss, "Poxviridae and Their Replication," Virology, Chapter 74:2079-2111, (1990) Raven Press, Ltd, NY
	Modlin, "Vaccinia (Smallpox) Vaccine, Recommendations of the Advisory Committee on Immunization Practices (ACIP), 2001" MMWR (Morb Mort Wkly Rep) 50:1-25 (2001)
	Engler et al. "Smallpox vaccination: Risk considerations for patients with atopic dermatitis," J. Allergy Clin Immunol. 110(3):357-365 (2002)
	Jackson et al., "Expression of Mouse Interleukin-4 by a Recombinant Ectromelia Virus Suppresses Cytolytic Lymphocyte Responses and Overcomes Genetic Resistance to Mousepox," Journal of Virology, 75(3):1205-1210, American Society for Microbiology (2001)
	Bronson et al., "(S)-1-(3-Hydroxy-2-(phosphonylmethoxy)propyl)cytosine (HPMPC): a Potent Antiherpesvirus Agent," Adv. Exp. Med. Biol. 278:277-283 (1990)
	De Clercq et al., "Antiviral activity of phosphonylmethoxyalkyl derivatives of purine and pyrimidines," Antiviral Research, 8:261-272, Elsevier Science Publishers B.V. (1987)
	De Oliveria et al., "Evaluation of Cidofovir (HPMPC, GS-504) against adenovirus type 5 infection in vitro and in a New Zealand rabbit ocular model," Antiviral Research 31:165-172, Elsevier Science B.V. (1996)
	Snoeck et al., "Phase II Double-Blind, Placebo-Controlled Study of the Safety and Efficacy of Cidofovir Topical Gel for the Treatment of Patients with Human Papillomavirus Infection," CID 33:597-602 (2001)
	Smee et al., "Characterization of Wild-Type and Cidofovir-Resistant Strains of Camelpox, cowpox, Monkeypox, and Vaccinia Viruses," Antimicrobial Agents Chemotherapy 46(5):1329-1335 (2002)

Examiner Signature	/Kristin Bianchi/	Date Considered	09/02/2009
--------------------	-------------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

DCDOCS/650971.1

Substitute for form 1449A/PTO & 1449B/PTO		<b>Complete if Known</b>	
<b>SECOND INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <small>(use as many sheets as necessary)</small>		<b>Application Number</b>	10/561,153
		<b>Filing Date</b>	December 16, 2005
		<b>First Named Inventor</b>	Robert JORDAN et al.
		<b>Examiner Name</b>	Unassigned
		<b>Attorney Docket Number</b>	704785-2001
<b>Sheet</b>	<b>2</b>	<b>of</b>	<b>2</b>

NON-PATENT LITERATURE DOCUMENTS	
<b>Examiner Initials</b>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
/K.B./	Lalezari et al., "Intravenous Cidofovir for Peripheral Cytomegalovirus Retinitis in Patients with AIDS," Ann. Intern. Med. 126(4):257-263 (1997)
↓	De Clercq, "Vaccinia Virus Inhibitors as a Paradigm for the Chemotherapy of Poxvirus Infections," Clinical Microbiology Reviews, 14(2):382-397 (2001)
↓	Bauer et al., "PROPHYLAXIS OF SMALLPOX WITH METHISAZONE" American Journal of Epidemiology 90(2):130-145 (1969)
↓	De Clercq et al., "CARBOXYCLIC ADENOSINE ANALOGUES AS S-ADENOSYLHOMOCYSTEINE HYDROLASE INHIBITORS AND ANTIVIRAL AGENTS: RECENT ADVANCES," Nucleosides Nucleotides 17(1-3):625-634 (1998)
↓	Coulombe et al., "Pharmacokinetics of the antiviral agent 3-deazaneplanocin A," European Journal of Drug Metabolism Pharmacokinetics 20(3):197-202 (1995)
↓	Obara et al., "New Neplanocin Analogues. 7. Synthesis and Antiviral Activity of 2-Halo Derivatives of neplanocin A," J. Med. Chem. 39:3847-3852 (1996)

<b>Examiner Signature</b>	/Kristin Bianchi/	<b>Date Considered</b>	09/02/2009
---------------------------	-------------------	------------------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.